

## **REMARKS**

### **Claim Rejections – 35 U.S.C. §103**

Claims 1-12 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Nikander (U.S. Patent No. 6,029,151) in view of Melen (U.S. Patent No. 5,956,391) as set forth in the previous Office Action.

Nikander discloses a communications system to enable paying for a purchase via the Internet. According to Nikander, communications terminals or subscribers are connected via a wired or wireless communications network, as well as via an ISP 105 and via the Internet 116 connected to it, with a target communications terminal or with a target party (see “Merchant” 130, figure 6). Nikander discloses nothing other than different developments of cashless electronic payment methods in the framework of Internet connections, which have already been established or set up.

The method of Nikander is only executable with connections or Internet connections which already exist, or has been established and can be seen solely from the fact that “Intercepting means 120” are arranged in the ISP 105, through which data traffic running via an established Internet connection is interrupted in order to carry out a payment process between the subscriber and a payment interface. The basic functions of the intercepting means 120 are described in more detail in Nikander, column 7, lines 30 to 45. Thus, incoming data packets are examined by the intercepting means as to whether they contain “Electronic Money Traffic” or are only normal data packets. In the case that “Electronic Money Traffic” is detected, these special data packets are routed by the “Intercepting Means” to “Electronic Money Transaction Means” especially provided for this. Significantly, in Nikander, previously established Internet data connections exist via which data packets are transmitted within the framework of previously established communication connections. This means that in the case of Nikander the Internet access network is already in use by the mobile communications terminal before a payment via a commercial interface takes place, which is contrary to the present invention.

Thus, Nikander shows a user in figure 6 connected via a mobile communications network to an ISP system 105, see also columns 11, line 59, to column 12, line 10. A user connected to the ISP means that her/his terminal is already logged on and registered on the mobile communication network 200, i.e. the Internet access network through the communications

terminal of the subscriber is already being used without prior successful cashless payment. As already explained in previously filed responses, the present invention is patentably distinct from Nikander because there is no subscriber registered in the mobile network or the Internet, and no Internet connection is already established, which would be considered a prerequisite. That is, in the claimed invention, access to the Internet is enabled via an access network of an access provider without having a pre-existing relationship to the access provider. Rather, an interface is provided which enables the transfer of cash-free-money to the access provider in order to gain access to the Internet access network, i.e. access to the Internet. New claim 13, essentially amended claim 1, now canceled, clarifies this feature.

As the Examiner states, Melen was cited "to teach the registration process, since in order for a user to access their account to make a transfer over the Internet, the user must log into a registered account. The Examiner used Nikander as a teaching of cash-free-payment."

In view of the above, Applicants submit that this application is in condition for allowance. An indication of the same is solicited. The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing, referencing Attorney Docket No. 118990-044.

Respectfully submitted,

BELL, BOYD & LLOYD LLP

BY 

Kevin R. Spivak

Reg. No. 43,148

Customer No. 29178

Dated: January 30, 2008